

DOCKET FILE COPY ORIGINAL  
Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

**JUL 10 1995**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Review of the Commission's Regulations	)	MM Docket No. 91-221
Governing Television Broadcasting	)	
	)	
Television Satellite Stations	)	MM Docket No. 87-8
Review of Policies and Rules	)	
	)	
Policies and Rules Regarding Minority	)	MM Docket Nos. 94-149 and
and Female Ownership of Mass Media	)	91-140
Facilities	)	
	)	
Review of the Commission's Regulations	)	MM Docket No. 94-150
Governing Attribution of Broadcast	)	
Interests	)	
	)	
Review of the Commission's Regulations	)	MM Docket No. 92-51
and Policies Affecting Investment in	)	
the Broadcast Industry	)	
	)	
Reexamination of the Commission's	)	MM Docket No. 87-154
Cross-Interest Policy	)	

To: The Commission

**REPLY COMMENTS OF PAPPAS STATIONS PARTNERSHIP**

Pappas Stations Partnership ("Pappas"), which holds licenses from the Commission that authorize Pappas to operate four UHF commercial television broadcast stations,<sup>1/</sup>

---

<sup>1/</sup> They are: KMPH (TV), Channel 26, Visalia, California (affiliated with the Fox Broadcasting Company); KPTM (TV), Channel 42, Omaha, Nebraska (also affiliated with the Fox Broadcasting Company); KPWB-TV, Channel 31, Sacramento, California (affiliated with the new Warner Brothers Television Network); and KREN-TV, Channel 27, Reno, Nevada (Independent).

by its undersigned attorney and in accordance with Section 1.415 of the Commission's Rules, hereby respectfully submits its Reply Comments in the captioned proceedings. <sup>2/</sup> Specifically, Pappas wishes to address the Comments by those parties <sup>3/</sup> who oppose so-called "time brokerage" or "local marketing" agreements between separately-owned television broadcast stations in the same market. <sup>4/</sup>

1. Pappas, through commonly-owned affiliates, is engaged in two such LMA's: KMPH (TV) provides certain programming, sales, technical, and administrative services to Gary M. Cocola's UHF commercial television broadcast station KGMC (TV), Channel 43 in Clovis, California, and KPTM (TV) provides similar services to Mr. Cocola's UHF commercial television broadcast station KXVO (TV), Channel 15 in Omaha, Nebraska. Both LMA's have gone into effect within the past year.

2. It has been Pappas's experience that the LMA's in which it has been involved have served the public interest. In the case of both KGMC (TV) and KXVO (TV), Mr. Cocola was the holder of the Commission's authorizations to build these two stations in markets

---

<sup>2/</sup> Pappas is a member of the Local Station Ownership Coalition, which submitted Comments in these proceedings on May 17, 1995 and which is submitting Reply Comments simultaneously herewith under separate cover.

<sup>3/</sup> E.g., Comments of Centennial Communications, Inc., filed May 17, 1995; Letter from the Television Operators Caucus, Inc., filed May 17, 1995; Comments of Post-Newsweek Stations, Inc., filed May 17, 1995.

<sup>4/</sup> For convenience of reference, in these Reply Comments Pappas will refer to all such agreements -- whether denominated as "time brokerage agreements" or "local marketing agreements" -- as "LMA's."

in which there are well-established affiliates of the three traditional national television broadcast networks. By enlisting the assistance of Pappas, Mr. Cocola was able to have ready access to an experienced television broadcaster, familiar with each market, which helped to expedite the inauguration of service by KGMC (TV) and by KXVO (TV). In addition, the fact that Pappas's affiliates can negotiate for the rights to exhibit programming on Mr. Cocola's stations in conjunction with negotiating for such rights for Pappas's own stations enables all of the stations to acquire the rights to exhibit higher-quality programming within their budgets, which ultimately redounds to the public's benefit. <sup>5/</sup>

3. The history of the development of KXVO (TV) is illustrative. Pappas's affiliate purchased the outstanding construction permit to build the station -- then known as KPQC (TV) -- in 1990 from Mid-America Broadcasting, Inc., the original grantee of the permit from the Commission. Because of Pappas's affiliate's ownership of KPTM (TV) in Omaha, it was not possible for Pappas or an affiliate to own KXVO (TV). Accordingly, Pappas undertook to find a person or entity who could purchase the construction permit for KXVO (TV) and who would build the new station and commence service to the public on Channel 15 at an early date. In January of 1992, Pappas's affiliate concluded an agreement with Mr. Cocola to purchase KXVO (TV). The Commission ultimately granted its consent to the assignment of the outstanding construction permit for the unbuilt station from Pappas's affiliate to Mr. Cocola. Mr. Cocola purchased the permit from Pappas's affiliate in November of 1994. The

---

<sup>5/</sup> Of course, Mr. Cocola's approval for all programming purchases for KGMC (TV) and KXVO (TV) is sought and obtained by Pappas prior to concluding any such purchases.

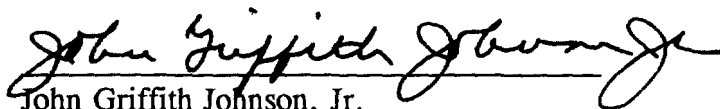
station was subsequently constructed and signed on in June of 1995 as a full-service station affiliated with the Warner Brothers network.

4. Although Pappas is confident that Mr. Cocola is the kind of station owner who eventually would have succeeded in constructing KXVO (TV) and bringing its service to Omaha, with or without the assistance provided by the LMA, Pappas also believes that such assistance materially expedited Mr. Cocola's introduction of Omaha's fifth commercial television service. The public in Omaha now has access to a new source of programming diversity at an earlier date than would likely have been the case had LMA's not been permissible. For that reason, Pappas urges the Commission to take no action that would render LMA's unlawful or that would cause an LMA between separately-owned stations to be treated as conferring an interest in the station subject to the LMA upon the provider of the LMA services that would be treated as an attributable interest for purposes of the multiple ownership rules (unless, of course, the Commission simultaneously amends its local television broadcast station multiple ownership rules to permit common ownership of two UHF television broadcast stations whose predicted Grade B field-intensity signal contours overlap each other).

Respectfully submitted,

**PAPPAS STATIONS PARTNERSHIP**

By:

A handwritten signature in cursive script, reading "John Griffith Johnson, Jr.", written over a horizontal line.

John Griffith Johnson, Jr.

Its Attorney

Bryan Cave, LLP  
700 Thirteenth Street, Northwest  
Suite 700  
Washington, D.C. 20005-3960  
Telephone: (202) 508-6146  
Telecopier: (202) 508-6200

July 10, 1995

**CERTIFICATE OF SERVICE**

I, Lois L. Trader, a secretary in the law firm of Bryan Cave, LLP, do hereby certify that I have on this tenth day of July, 1995, sent copies of the foregoing **REPLY COMMENTS OF PAPPAS STATIONS PARTNERSHIP** to the following by first-class United States mail, postage prepaid:

Morton L. Berfield, Esq.  
John J. Schauble, Esq.  
Cohen and Berfield, P.C.  
1129 Twentieth Street, Northwest  
Suite 507  
Washington, D.C. 20036  
Counsel to Centennial Communications, Inc.

Mary Jo Manning, Esq.  
Coordinator  
Television Operators Caucus, Inc.  
901 Thirty-first Street, Northwest  
Washington, D.C. 20007

Robert E. Branson, Esq.  
Vice President and Chief Legal Counsel  
Post-Newsweek Stations, Inc.  
Three Constitution Plaza  
Hartford, Connecticut 06103



---

Lois L. Trader